

1 ANDREW BAUM - State Bar No. 190397  
abaum@glaserweil.com  
2 ALAINA BIRD - State Bar No. 318044  
abird@glaserweil.com  
3 GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP  
4 10250 Constellation Boulevard, 19th Floor  
Los Angeles, California 90067  
5 Telephone: (310) 553-3000  
Facsimile: (310) 556-2920

6 *Attorneys for Defendants*  
7 *Robert Luna, Kathryn Barger, Janice Hahn,*  
8 *Holly Mitchell, Hilda Solis, Lindsey Horvath,*  
*and Hugo Macias*

9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION

13 R. CAMOU,

14 Plaintiff,

15 v.

16 ROBERT LUNA, KATHRYN  
BARGER, JANICE HAHN, HOLLY  
17 MITCHELL, HILDA SOLIS, LINDSEY  
HORVATH, HUGO MACIAS, and 10  
18 UNKNOWN NAMED DEFENDANTS,  
1-10,

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO. 2:24-cv-05748-SPG-AJR

Hon. Sherilyn Peace Garnett

**DEFENDANTS' ANSWER TO  
THIRD AMENDED COMPLAINT**

**DEMAND FOR JURY TRIAL**

1 Defendants Robert Luna, Kathryn Barger, Janice Hahn, Holly Mitchell, Hilda  
2 Solis, Lindsey Horvath, and Hugo Macias (“Defendants”), by and through their  
3 undersigned counsel of record, hereby admit, deny, and answer Plaintiff R. Camou’s  
4 (“Plaintiff”) Third Amended Complaint (“TAC”) filed on November 17, 2024 as  
5 follows:

6 **JURISDICTION AND VENUE**

7 1. In response to paragraph 1 of the TAC, Defendants deny each and every  
8 allegation set forth in paragraph 1 on the basis that they set forth legal conclusions.

9 2. In response to paragraph 2 of the TAC, Defendants admit that the County  
10 of Los Angeles is in the Central District of California. Defendants deny each and every  
11 remaining allegation set forth in paragraph 2 on the basis that they set forth legal  
12 conclusions.

13 **THE PARTIES**

14 3. In response to paragraph 3 of the TAC, Defendants admit that Defendant  
15 Robert Luna is currently Sheriff of Los Angeles County; Defendant Hugo Macias is  
16 currently the Chief of Custody Services Division, General Population for the Los  
17 Angeles County Sheriff’s Department; and Defendants Kathryn Barger, Janice Hahn,  
18 Holly Mitchell, Hilda Solis, and Lindsey Horvath are currently members of the Los  
19 Angeles County Board of Supervisors. To the extent that the remaining allegations set  
20 forth legal conclusions, Defendants deny each and every such allegation. As to any  
21 remaining allegations, Defendants deny each and every one.

22 4. In response to paragraph 4 of the TAC, Defendants deny each and every  
23 allegation set forth in paragraph 4 on the basis that they set forth legal conclusions.  
24 Defendants further respond that the United States Supreme Court’s opinion in *Monell*  
25 *v. Dep’t of Soc. Svcs. of the City of New York*, 436 U.S. 657 (1978) speaks for itself,  
26 and Defendants deny any mischaracterization thereof.

1           5. In response to paragraph 5 of the TAC, Defendants deny each and every  
2 allegation set forth in paragraph 5 to the extent that they set forth legal conclusions. As  
3 to any remaining allegations, Defendants deny each and every one.

4           6. In response to paragraph 6 of the TAC, Defendants deny each and every  
5 allegation set forth in paragraph 6 to the extent that they set forth legal conclusions. As  
6 to any remaining allegations, Defendants deny each and every one.

7                           **ALLEGATIONS COMMON TO EACH COUNT**

8           7. In response to paragraph 7 of the TAC, Defendants acknowledge that  
9 Plaintiff is repleading his other allegations. Accordingly, Defendants incorporate their  
10 other responses as relevant.

11           8. In response to paragraph 8 of the TAC, Defendants deny each and every  
12 allegation set forth in paragraph 8 to the extent that they set forth legal conclusions. As  
13 to any remaining allegations, Defendants deny each and every one.

14           9. In response to paragraph 9 of the TAC, Defendants deny each and every  
15 allegation set forth in paragraph 9 to the extent that they set forth legal conclusions. As  
16 to any remaining allegations, Defendants lack sufficient knowledge or information to  
17 admit or deny the allegations and, on that basis, deny each and every allegation.

18           10. In response to paragraph 9.1 of the TAC, Defendants lack sufficient  
19 knowledge or information to admit or deny the allegations and, on that basis, deny each  
20 and every allegation.

21           11. In response to paragraph 9.2 of the TAC, Defendants lack sufficient  
22 knowledge or information to admit or deny the allegations and, on that basis, deny each  
23 and every allegation.

24           12. In response to paragraph 9.3 of the TAC, Defendants lack sufficient  
25 knowledge or information to admit or deny the allegations and, on that basis, deny each  
26 and every allegation.

1           13. In response to paragraph 9.4 of the TAC, Defendants lack sufficient  
2 knowledge or information to admit or deny the allegations and, on that basis, deny each  
3 and every allegation.

4           14. In response to paragraph 9.5 of the TAC, Defendants deny each and every  
5 allegation set forth in paragraph 9.5 to the extent that they set forth legal conclusions.  
6 Defendants further respond that the United States Supreme Court's opinion in *Estelle*  
7 *v. Gamble*, 429 U.S. 97 (1976) and the documents purportedly incorporated by  
8 reference and designated Exhibit 2 speak for themselves, and Defendants deny any  
9 mischaracterization thereof. As to the remaining allegations, Defendants lack sufficient  
10 knowledge or information to admit or deny the allegations and, on that basis, deny each  
11 and every allegation.

12           15. In response to paragraph 9.6 of the TAC, Defendants deny each and every  
13 allegation set forth in paragraph 9.6 to the extent that they set forth legal conclusions.  
14 Defendants further respond that the case law referred to as *Cabralles v. Cnty. of Los*  
15 *Angeles* and the documents purportedly incorporated by reference and designated  
16 Exhibit 1 speak for themselves, and Defendants deny any mischaracterization thereof.  
17 As to any remaining allegations, Defendants deny each and every one.

18           16. In response to paragraph 9.7 of the TAC, Defendants deny each and every  
19 allegation set forth in paragraph 9.7 to the extent that they set forth legal conclusions.  
20 Defendants further respond that the case law referred to as *Cabralles v. Cnty. of Los*  
21 *Angeles* and the documents purportedly incorporated by reference and designated  
22 Exhibit 3 speak for themselves, and Defendants deny any mischaracterization thereof.  
23 As to any remaining allegations, Defendants deny each and every one.

24           17. In response to paragraph 9.8 of the TAC, Defendants deny each and every  
25 allegation set forth in paragraph 9.8 to the extent that they set forth legal conclusions.  
26 Defendants further respond that the case law referred to as *Cabralles v. Cnty. of Los*  
27 *Angeles* and the documents purportedly incorporated by reference and designated  
28

Exhibit 4 speak for themselves, and Defendants deny any mischaracterization thereof. As to any remaining allegations, Defendants deny each and every one.

18. In response to paragraph 10 of the TAC, Defendants deny each and every allegation set forth in paragraph 10 to the extent that they set forth legal conclusions. Defendants further respond that the June 5, 2024 Los Angeles Times article purportedly incorporated by reference speaks for itself, and Defendants deny any mischaracterization thereof. As to any remaining allegations, Defendants deny each and every one.

**COUNT ONE**

**(Against All Defendants, 42 U.S.C. § 1983)**

19. In response to paragraph 11 of the TAC, Defendants acknowledge that Plaintiff is repleading his prior allegations in paragraphs 9 and 10. Accordingly, Defendants incorporate their responses to paragraphs 9 and 10 as relevant. Defendants deny each and every allegation set forth in paragraph 11 to the extent that they set forth legal conclusions. As to any remaining allegations, Defendants deny each and every one.

20. In response to paragraph 12 of the TAC, Defendants deny each and every allegation set forth in paragraph 12 to the extent that they set forth legal conclusions. As to any remaining allegations, Defendants deny each and every one.

21. In response to paragraph 13 of the TAC, Defendants deny each and every allegation set forth in paragraph 13 to the extent that they set forth legal conclusions. As to any remaining allegations, Defendants deny each and every one.

**COUNT TWO**

**(Sec. 1983, *Monell*)**

22. In response to paragraph 14 of the TAC, Defendants deny each and every allegation set forth in paragraph 14 to the extent that they set forth legal conclusions. Defendants further respond that the United States Supreme Court and Ninth Circuit opinions in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Trevino v. Gates*, 99 F.3d 911 (9th

1 Cir. 1996); and *Saved Magazine v. Spokane Police Dep't*, 19 F.4th 1193 (9th Cir. 2001)  
2 speak for themselves, and Defendants deny any mischaracterization thereof. As to any  
3 remaining allegations, Defendants deny each and every one.

4 23. In response to paragraph 15 of the TAC, Defendants deny each and every  
5 allegation set forth in paragraph 15 to the extent that they set forth legal conclusions.  
6 As to any remaining allegations, Defendants deny each and every one.

7 24. In response to paragraph 16 of the TAC, Defendants deny each and every  
8 allegation set forth in paragraph 16 to the extent that they set forth legal conclusions.  
9 As to any remaining allegations, Defendants deny each and every one.

10 25. In response to paragraph 17 of the TAC, Defendants deny each and every  
11 allegation set forth in paragraph 17 to the extent that they set forth legal conclusions.  
12 As to any remaining allegations, Defendants deny each and every one.

13 **COUNT FIVE<sup>1</sup>**

14 **(Against All Defendants Under § 1983)**

15 26. In response to paragraph 18 of the TAC, Defendants deny each and every  
16 allegation set forth in paragraph 18 to the extent that they set forth legal conclusions.  
17 As to any remaining allegations, Defendants deny each and every one.

18 **AFFIRMATIVE DEFENSES**

19 Defendants assert the following separate and independent affirmative defenses  
20 to the TAC and the causes of action alleged therein. By labeling these as “Affirmative  
21 Defenses,” Defendants do not intend to assume, and do not assume, any additional  
22 burden of proof or persuasion beyond those accorded to them by applicable law.

23 **FIRST AFFIRMATIVE DEFENSE**

24 **(Failure to State a Claim)**

25 As a separate and distinct affirmative defense, the TAC fails to state facts  
26

27 <sup>1</sup> Plaintiff's causes of action are not consecutively numbered. Defendants adopt the  
28 TAC's numbering for consistency.

sufficient to constitute a cause of action upon which relief can be granted.

## **SECOND AFFIRMATIVE DEFENSE**

### **(Statutory Immunity)**

As a separate and distinct affirmative defense, public entities and employees are immune from liability for injury, whether caused by the act or omission of the public entity, an employee thereof, or any other person, except as expressly provided by statute.

## **THIRD AFFIRMATIVE DEFENSE**

### **(No Proximate Cause)**

As a separate and distinct affirmative defense, any action or omission to act on Defendants' part, or any action or omission to act on the part of any person or any entity for whose actions or omissions Defendants are (or may be established to be) legally responsible, did not actually or proximately cause or contribute in any manner or to any degree, to any losses or damages for which recovery is sought by Plaintiff in the TAC.

## **FOURTH AFFIRMATIVE DEFENSE**

### **(Statute of Limitations)**

As a separate and distinct affirmative defense, Plaintiff's TAC, and each and every claim contained therein, is barred by the applicable statute of limitations.

## **FIFTH AFFIRMATIVE DEFENSE**

### **(Laches)**

As a separate and distinct affirmative defense, Plaintiff's TAC, and each and every claim contained therein, is barred by the equitable doctrine of laches.

## **SIXTH AFFIRMATIVE DEFENSE**

### **(Unclean Hands)**

As a separate and distinct affirmative defense, Plaintiff's TAC, and each and every claim contained therein, is barred pursuant to the doctrine of unclean hands.



**SEVENTH AFFIRMATIVE DEFENSE**

**(Waiver)**

As a separate and distinct affirmative defense, Plaintiff's TAC, and each and every claim contained therein, is barred pursuant to the equitable doctrine of waiver.

**EIGHTH AFFIRMATIVE DEFENSE**

**(Estoppel)**

As a separate and distinct affirmative defense, Plaintiff is estopped by his own acts or omissions from recovery against Defendants for the claims asserted in the TAC.

**NINTH AFFIRMATIVE DEFENSE**

**(Injury Caused By Other Persons or Entities)**

As a separate and distinct affirmative defense, Plaintiff's alleged injury, if any, contained in the TAC, was caused by persons and/or entities other than Defendants who failed to exercise ordinary care, caution, prudence, and were negligent, or acted wrongfully in their dealings with Plaintiff, and that at all times, said persons or entities were acting without consent, authorization, knowledge, and/or ratification of Defendants. Accordingly, any recovery against Defendants by Plaintiff, if any, must be precluded and/or reduced in a proportionate amount to the fault on the part of such other persons and/or entities.

**TENTH AFFIRMATIVE DEFENSE**

**(Comparative Fault)**

As a separate and distinct affirmative defense, to the extent that Plaintiff suffered any detriment, such detriment was caused or contributed to by Plaintiff's negligence, and damages, if any, should be reduced in direct proportion to his fault.

**ELEVENTH AFFIRMATIVE DEFENSE**

**(Privilege)**

As a separate and distinct affirmative defense, the conduct, if any, which is the subject of Plaintiff's TAC, was absolutely and/or conditionally legally privileged, and/or justified. Further, all actions by Defendants were in good faith and reasonable.



**TWELFTH AFFIRMATIVE DEFENSE**

**(Independent, Intervening, and Superseding Cause)**

As a separate and distinct affirmative defense, on or about the time, date, and place alleged in Plaintiff's TAC, the conduct of Plaintiff and/or third persons was of such a nature as to constitute an independent, intervening, and superseding cause, which was the sole proximate cause of the injuries and damages allegedly suffered by Plaintiff.

**THIRTEENTH AFFIRMATIVE DEFENSE**

**(Failure to Mitigate)**

As a separate and distinct affirmative defense, all causes of action set forth in Plaintiff's TAC are barred because Plaintiff failed to take reasonable steps to mitigate his alleged harm.

**FOURTEENTH AFFIRMATIVE DEFENSE**

**(Immunity)**

As a separate and distinct affirmative defense, Defendants are not liable as they have sovereign, quasi-judicial, qualified, and/or other immunity from the claims set forth in Plaintiff's TAC.

**FIFTEENTH AFFIRMATIVE DEFENSE**

**(Qualified Immunity)**

As a separate and distinct affirmative defense, all causes of action set forth in Plaintiff's TAC are barred by way of the doctrine of qualified immunity.

**SIXTEENTH AFFIRMATIVE DEFENSE**

**(No Knowledge of Violation of Rights)**

As a separate and distinct affirmative defense, Defendants are shielded from liability for civil damages insofar as the conduct in this case did not violate any statutory or constitutional right of which a reasonable person would have known.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

**(Collateral Estoppel and Res Judicata)**

As a separate and distinct affirmative defense, the TAC, and each claim contained therein, is barred by the doctrines of collateral estoppel and res judicata.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

**(Failure to Exhaust)**

As a separate and distinct affirmative defense, the TAC, and each claim contained therein, is barred due to Plaintiff's failure to exhaust administrative and/or other mandatory remedies prior to filing suit.

**NINETEENTH AFFIRMATIVE DEFENSE**

**(Preemption)**

As a separate and distinct affirmative defense, the TAC, and each claim contained therein, is barred by the doctrine of preemption.

**TWENTIETH AFFIRMATIVE DEFENSE**

**(No Liability for Actions of Non-Policymakers)**

As a separate and distinct affirmative defense, Defendants are not liable for alleged violations by non-policymakers of civil or constitutional rights.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

**(Reservation of Additional Defenses)**

As a separate and distinct affirmative defense, Defendants state that other defenses may exist as to Plaintiff's TAC, and that Defendants do not waive, but rather reserve the right to assert these defenses.

**PRAYER FOR RELIEF**

Defendants request that the Court enter judgment in their favor and against Plaintiff as follows:

1. That Plaintiff take nothing by his TAC and that judgment be entered in favor of Defendants;

2. That Defendants be awarded their costs of suit incurred herein, including, but not limited to, reasonable attorneys' fees; and

3. For such other and further relief, whether legal or equitable, as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Defendants hereby demand a trial by jury on all causes of action and issues presented in this action.

DATED: December 12, 2024

GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP

By: /s/ Andrew Baum

ANDREW BAUM  
ALAINA BIRD

*Attorneys for Defendants  
Robert Luna, Kathryn Barger, Janice Hahn,  
Holly Mitchell, Hilda Solis, Lindsey  
Horvath, and Hugo Macias*

Glaser Weil